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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL N. MORALES,

Petitioner,

v.

DAN PACHOLKE,

Respondent.

Case No. C07-5696FDB

ORDER DENYING CERTIFICATE
OF APPEALABILITY

This Court adopting the Report and Recommendation agreeing that this 2254 Petition is untimely as reflected in the Order Dismissing the Petition, which considered Petitioner's objections and provided an analysis of how the time had run. There is no rational basis for debate on the issue.

ACCORDINGLY,

IT IS ORDERED: A certificate of appealability is DENIED.

DATED this 30th day of September, 2008.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE